

REMARKS

In the aforesaid Office Action, claims 1, 2, 10-12, 15 and 23 were rejected under 35 USC §102(b) as being anticipated by Burns (U.S. Patent No. 5,569,201), claims 3-8 were rejected under 35 USC §103(a) as being unpatentable over Burns alone, claims 13-14 were rejected under 35 USC §103(a) as being unpatentable over Burns in view of Muni et al. (U.S. Patent No. 5,533,968), and claim 16 was rejected under 35 USC §103(a) as being unpatentable over Burns in view of Brown (U.S. Patent No. 6,096,056). Claims 1-8 and 10-23 are pending, and claims 17-22 are withdrawn from consideration.

Applicant appreciates the courtesies extended by the Examiner in the telephone interview on March 16, 2004, conducted between Applicant's representative, Priscilla Morrison, and the Examiner. Applicant's summary of the interview is as follows: U.S. Patent No. 5,569,201 (Burns) and Claim 1 were discussed. Applicant's representative stated that Fig. 4A of Burns shows a solid wall, indicated by cross-hatching, between tubes (44), so that Fig. 4A does not show unsecured portions of the outer tubular member which define sections of the inflation lumen as required by Applicant's claim 1. The Examiner agreed that the cross-hatching appeared to indicate a wall between tubes (44), but reserved determination until the issue could be considered in detail with Applicant's present amendment.

The Examiner rejected claims 1, 2, 10-12, 15 and 23 under 35 USC §102(b) as being anticipated by Burns, stating that Burns Fig. 1B shows a balloon catheter with an outer tubular member 14 and an inner tubular member 18, and Fig. 4A shows the inner tubular member receives a guidewire 22 and is bonded to the inner surface of the outer tubular member via bonds 46.

However, Burns does not disclose or suggest that the outer tubular member has unsecured portions which are radially adjacent to the secured portions and which define sections of the inflation lumen, as required by the embodiment set forth in Applicant's claim 1. Instead, in Burns et al., tubes 44, bonded to member 42, extend between the inner tubular member 18 and the outer tubular member 14, so that each secured portion 46 (i.e., bonds 46) are radially adjacent to a section of the inflation lumen defined by tubes 44 only, and not to a section of the inflation lumen defined by an unsecured portion of outer tubular member 14. Put another way, an unsecured portion of the outer tubular member which defines a section of the inflation lumen isn't visible next to bonds 46 within the plane shown in Fig. 4A (and therefore isn't radially adjacent to the bonds 46 shown in Fig. 4A). As illustrated in Fig. 4A, in the insert 40, the circumferentially spaced tubes 44 are separated from one another by a solid wall between each tube 44 (indicated by cross-hatching in Fig. 4A). Therefore, at the locations radially adjacent to the secured portions 46 (see Fig. 4A), the outer tubular member 14 does not define the inflation lumen (only the tubes 44 define the inflation lumen at that location). While Fig. 4B of Burns does illustrate unsecured portions of the outer tubular member which define sections of the inflation lumen, the unsecured portions are longitudinally adjacent to the bonds 46 in insert 40, and are not radially adjacent to the bonds 46. Thus, there do not appear to be any unsecured portions of the outer tubular member which are located radially adjacent to the secured portions and which define sections of the inflation lumen.

Moreover, regarding claim 11, in Burns, the secured portions 46 are not longitudinally spaced apart. Rather, secured portions 46 are the bonds 46 between the


tubes 44 and the tubular member 42 which is itself bonded to the inner tubular member 18. As illustrated in Fig. 4A, the bonds 46 are radially spaced apart from one another around the circumference of the catheter shaft. As best illustrated in the longitudinal cross sectional view of Fig. 4B, each bond 46 appears to extend longitudinally, and run the length of the interface between members 44 and 42, and thus are not longitudinally spaced apart.

The Examiner rejected claims 2-8 under 35 USC §103(a) as being unpatentable over Burns alone, claims 13-14 under 35 USC §103(a) as being unpatentable over Burns in view of Muni et al., and claim 16 under 35 USC §103(a) as being unpatentable over Burns in view of Brown. However, Burns does not disclose or suggest that the outer tubular member has unsecured portions radially adjacent to the secured portions which define sections of the inflation lumen in fluid communication with each other via a section of the inflation lumen defined by the outer tubular member located proximal to at least one of the secured portions, as set forth above.

In light of the above amendments and remarks, applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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APR 28 2004

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